

ASSEMBLY BILL

No. 1052

Introduced by Assembly Member Caballero

February 27, 2009

An act to amend Section 7360 of, and to repeal and add Section 7363 of, the Fish and Game Code, relating to sport fishing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1052, as introduced, Caballero. Bay-Delta Sport Fishing Enhancement Stamp.

Existing law prohibits a person from sport fishing in the tidal waters of the San Francisco Bay Delta and the main stem of the Sacramento and San Joaquin Rivers, including major tributaries, below the most downstream dam, unless he or she first obtains a Bay-Delta Sport Fishing Enhancement Stamp or validation and affixes that stamp or validation to a valid sport fishing license. Existing law requires the Department of Fish and Game or an authorized license agent to issue a Bay-Delta Sport Fishing Enhancement Stamp or validation upon payment of a prescribed fee. Existing law requires the funds generated by the imposition of these fees to be deposited in a separate account in the Fish and Game Preservation Fund, to be used solely for the long-term, sustainable benefit of the primary Bay-Delta sport fisheries, as specified. Existing law requires the director to appoint a 9 member Bay-Delta Sport Fishing Enhancement Stamp Fund Advisory Committee to recommend to the department projects and budgets for the expenditure of fee revenue. Those provisions are repealed as of January 1, 2010.

This bill would delete that repeal, and, instead, make the stamp or validation requirement inoperative as of January 1, 2010. The bill would require the department to implement various provisions related to

expenditures from the account, and by an unspecified date, to prepare and submit to the Legislature a report on the steps taken by the department to comply with those provisions. The bill would require the department, in consultation with the advisory committee, to determine appropriate projects for expenditure of the balance of funds in the account, as prescribed.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7360 of the Fish and Game Code is
2 amended to read:

3 7360. (a) A person shall not sport fish in the tidal waters of
4 the San Francisco Bay Delta and the main stem of the Sacramento
5 and San Joaquin Rivers, including major tributaries, below the
6 most downstream dam, unless he or she first obtains, in addition
7 to a valid California sport fishing license and any applicable stamp
8 or validation issued pursuant to Section 7149 or 7149.05, a
9 Bay-Delta Sport Fishing Enhancement Stamp or validation and
10 affixes that stamp or validation to his or her valid California sport
11 fishing license. Any person issued a sport fishing license pursuant
12 to paragraph (4) or (5) of subdivision (a) of Section 7149 or
13 paragraph (4) or (5) of subdivision (a) of Section 7149.05 is not
14 subject to this division.

15 (b) The commission may modify, by regulation, the geographic
16 parameters specified in subdivision (a).

17 (c) The department or an authorized license agent shall issue a
18 Bay-Delta Sport Fishing Enhancement Stamp or validation upon
19 payment of a base fee of five dollars (\$5), in the 2004 license year,
20 which shall be adjusted annually thereafter pursuant to Section
21 713.

22 (d) *This section is inoperative on and after January 1, 2010.*

23 SEC. 2. Section 7363 of the Fish and Game Code is repealed.

24 ~~7363. This article shall remain in effect only until January 1,~~
25 ~~2010, and as of that date is repealed, unless a later enacted statute~~
26 ~~that is enacted before January 1, 2010, deletes or extends that date.~~

27 SEC. 3. Section 7363 is added to the Fish and Game Code, to
28 read:

29 7363. (a) The department shall do all of the following:

1 (1) In consultation with the advisory committee, develop a
2 spending plan that focuses on identifying and funding viable
3 projects and monitoring revenues to assist the department in
4 effectively expending available stamp revenues.

5 (2) Track and report the costs of projects funded pursuant to
6 this article by doing both of the following:

7 (A) Improve the tracking of individual project expenditures by
8 assigning a separate account to each project within the department's
9 accounting system.

10 (B) Require a project manager to approve all expenditures
11 directly related to the manager's projects, periodically reconcile
12 records for each project with accounting records, and report
13 expenditures to staff responsible for preparing advisory committee
14 reports.

15 (3) (A) Annually provide the advisory committee with a written
16 report containing all of the following information:

17 (i) Actual project expenditures.

18 (ii) Detailed information on the status of each project

19 (iii) Total administrative expenditures.

20 (B) The department shall ensure the accuracy of the information
21 described in subparagraph (A).

22 (4) Reimburse the department's general fund appropriation for
23 any lease payment charged to the department's general fund
24 appropriation on or before January 1, 2010, that was eligible to be
25 paid from the account established in Section 7361.

26 (5) Ensure that employees of the department appropriately
27 charge their time to projects funded pursuant to this article by
28 providing guidelines to employees concerning when to charge
29 activities to the account established in Section 7361.

30 (b) The department shall not charge payroll costs to the account
31 established in Section 7361 for employee activities that are not
32 related to the implementation of this article. The department shall
33 determine whether any other expenditure has been inappropriately
34 charged to the account established in Section 7361 and shall make
35 all necessary accounting adjustments.

36 (c) By _____, the department shall prepare and submit to the
37 Legislature a report on the steps taken by the department to comply
38 with subdivisions (a) and (b), including, but not limited to, a plan
39 for expenditure of available stamp revenues.

1 (d) In consultation with the advisory committee appointed
2 pursuant to Section 7362, the department shall determine
3 appropriate projects for expenditure of the balance of funds in the
4 account established in Section 7361 that will provide for long-term,
5 sustainable benefit to Bay-Delta sport fisheries, including, but not
6 limited to, salmon, and that are consistent with the purposes
7 described in Section 7361.

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